

Remarks

Amendments to claims 105 and 107-111, and new claim 112, are discussed below. No new matter is presented. Applicant reserves the right to present the unamended claims in a further application.

Section 101

As reflected in the Interview Summary mailed February 25, 2009, the section 101 rejections have been withdrawn, for which Applicant and the undersigned again express appreciation.

Section 112

The rejection of claims 110-111 under 35 U.S.C. § 112 ¶ 1 is traversed.

The Examiner points to language in the preamble of independent claim 110 and maintains that “there is no written description of any ‘medium storing instructions adapted to be executed by a computer processor’ in the specification as originally filed.” (08/19/08 Office Action at 3.) But the original specification discloses that “[a]s skilled artisans will appreciate, systems that may embody or be used with the present invention may be implemented with a wide variety of processors, storage devices, and associated hardware and software.” (Specification at p. 23, lines 29-31.) Those skilled in the art would clearly have understood as of this Application’s filing date that systems and methods embodying the invention can use processors, storage devices, and associated hardware and software – including floppy disks, CD-ROMs, and DVD-ROMs – that are known to frequently include or use “medi[a] storing instructions adapted to be executed by a computer processor.” It is therefore respectfully submitted that claims 110-111 comply with the written description requirement and satisfy 35 U.S.C. § 112 ¶ 1.

The rejection of claims 105 and 107-111 under 35 U.S.C. § 112 ¶ 2 is also traversed.

It is respectfully submitted that the amendments to the claims are sufficient to address all of the Examiner's concerns and obviate the section 112, second paragraph rejection.

The Examiner suggests that "[i]t is not clear as to what happens when data providing something is processed," and that "[i]t is not clear as to what is the outcome of the steps [sic]" recited in independent claims 105, 108, and 110. (08/19/08 Office Action at 3-4.) The "data providing" language has been amended to further clarify the claims. For example, claim element 105(c) now recites a "means for processing data to represent that the instrument's sensitivity to parameter changes incorporates" various attributes. The outcome of the machine elements or process steps – apparent from the claims as amended in view of the specification – is claimed broadly in these independent claims, and is claimed more narrowly in new independent claim 112.

The Examiner also suggests "[i]t is not clear if how [sic] the options are related to the interest bearing instrument." (08/19/08 Office Action at 4.) Claim element 105(e) now clarifies that the "options [are] implicit in the market for the instrument."

Independent claims 108 and 110 are amended in similar fashion to claim 105. Thus, all the independent claims particularly point out and distinctly claim the invention.

As to dependent claims 107, 109, and 111, the Examiner suggests that "the relationship between RCS and the process of issuing is not clear," asking "[i]s RCS related to the value of the interest-bearing instrument?" (08/19/08 Office Action at 4.) To further clarify that another limitation is being added to the limitations of claim 105, claim 107 is amended to recite: "*a value of a regulatory capital savings of the debtor or the creditor*" (emphasis added). Dependent claims 109 and 111 are amended in similar fashion to claim 107. Thus, all the dependent claims also particularly point out and distinctly claim the invention.

It is therefore respectfully submitted that claims 105 and 107-111 are definite and satisfy 35 U.S.C. § 112 ¶ 2.

New Claim

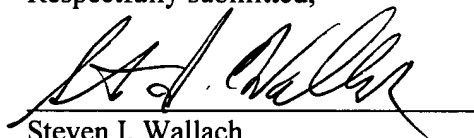
New claim 112 is directed to a computer-based system for use in issuing an interest-bearing instrument, more narrow than the system claimed in claim 105. Support for this claim is found in the specification and previously presented claims. No new matter is presented.

Conclusion

For at least the foregoing reasons, this application is believed to be in condition for allowance and a notice to that effect is respectfully solicited.

If any fee is required, please charge Deposit Account No. 50-0979.

Respectfully submitted,



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